

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

REALTIME DATA, LLC, d/b/a IXO,

*Plaintiff,*

V.

T-MOBILE U.S.A., INC.,

*Defendant.*

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CIVIL ACTION No. 6:10CV493

JUDGE RON CLARK

## VERDICT FORM

**Question No. 1: Infringement ('506 Patent)**

Do you find by a preponderance of the evidence that T-Mobile's use of the T-Mobile system containing the Flash Harmony product infringes any of the following claims of the '506 Patent?

Answer "Yes" or "No" as to each claim:

Claim 93 NO

Claim 94 NO

**Please go on to Question No. 2.**

**Question No. 2: Infringement ('300 Patent)**

Do you find by a preponderance of the evidence that T-Mobile's use of the T-Mobile system containing the Flash Harmony product infringes any of the following claims of the '300 Patent?

Answer "Yes" or "No" as to each claim:

Claim 23 NO

Claim 36 NO

Claim 42 NO

Claim 46 NO

Claim 59 NO

**Please go on to Question No. 3.**

**Question No. 3: Infringement ('530 Patent)**

Do you find by a preponderance of the evidence that T-Mobile's system containing the Flash Harmony product infringes any of the following claims of the '530 Patent? Answer "Yes" or "No" as to each claim:

Claim 17 NO

Claim 19 NO

Claim 21 NO

Claim 23 NO

**Please go on to Question No. 4.**

**Question No. 4: Invalidity—Obviousness ('506 Patent)**

Do you find by clear and convincing evidence that any of the following claims of the '506 Patent is invalid because it would have been obvious to a person of ordinary skill in the art in light of the combinations of references listed below? Answer "Yes" or "No" as to each claim for each combination of references.

|          | Hoffman in combination with<br>Franaszek | Lafe in combination with<br>Franaszek |
|----------|------------------------------------------|---------------------------------------|
| Claim 93 | yes                                      | yes                                   |
| Claim 94 | yes                                      | yes                                   |

Please go on to Question No. 5.

**Question No. 5: Invalidity—Obviousness ('300 Patent)**

Do you find by clear and convincing evidence that any of the following claims of the '300 patent is invalid because it would have been obvious to a person of ordinary skill in the art in light of the combinations of references listed below? Answer "Yes" or "No" as to each claim for each combination of references.

|          | Tanaka in combination with the knowledge known to a person of ordinary skill in the art | Hoffman in combination with Lefe (ONLY CLAIMS 36, 42, and 59) |
|----------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Claim 23 | yes                                                                                     |                                                               |
| Claim 36 | yes                                                                                     | yes                                                           |
| Claim 42 | yes                                                                                     | yes                                                           |
| Claim 46 | yes                                                                                     |                                                               |
| Claim 59 | yes                                                                                     | yes                                                           |

Please go on to Question No. 6.

**Question No. 6: Invalidity—Obviousness ('530 Patent)**

Do you find by clear and convincing evidence that any of the following claims of the '530 Patent is invalid because it would have been obvious to a person of ordinary skill in the art in light of the combinations of references listed below? Answer "Yes" or "No" as to each claim for each combination of references.

|                 | <b>Dye in combination with Aakre</b> | <b>Hoffman in combination with Sebastian</b> |
|-----------------|--------------------------------------|----------------------------------------------|
| <b>Claim 17</b> | yes                                  | yes                                          |
| <b>Claim 19</b> | yes                                  | yes                                          |
| <b>Claim 21</b> | yes                                  | yes                                          |
| <b>Claim 23</b> | yes                                  | yes                                          |

If you answered "Yes" to any claim listed in Question Nos. 1-3 and did not find that same claim invalid in Question Nos. 4-6, please answer Question No. 7.

Otherwise, please skip to the end of this verdict form and have the Foreperson initial and date in the spaces provided.

**Question No. 7: Damages**

What sum of money, if any, do you find would fairly and adequately compensate Realtime for T-Mobile's conduct you found to infringe from the date of commencement through today?

Answer in dollars and cents:

\$ \_\_\_\_\_

**Please initial and date the verdict form.**

**DATE** 2/11/2013

**INITIALS OF FOREPERSON** BC



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